

Issues/Comments regarding LCCF 10 and LCCF 11:

- First, the successful models that serve this population in other states are group homes - not pre-releases. The group home model with 8 to 12 people is the most effective for this population. For that reason, staff's suggestion to make these mental health group homes instead, which is made at the end of the briefing paper about these bills, is a good one.
- Second, people need to be eligible for these programs prior to their parole eligibility. Currently, all prisoners can be eligible for pre-release prior to their parole eligibility. In fact, the statute authorizing corrections to develop pre-release centers anticipate that pre-releases will be used "for the purpose of preparing inmates of a Montana prison who are approaching parole eligibility . . . for release into the community." These forensic patients need to be treated the same way. It is possible that requiring people with mental illness be parole eligible before they can use the forensic pre-release (or preferably mental health group home) may be discriminatory.
- \* We need to anticipate having the flexibility to use these programs for transitioning those found not guilty but mentally ill as well as guilty but mentally ill. We need to give the DPHHS director authority to transfer those patients if they would be well served by using this step down. This may require an amendment of 46-14-301 MCA to allow this transfer.
- The reason these programs have been successful in other states is that they are built from the ground up to serve specifically people with mental illness who have committed offenses. These programs are altogether different from programs designed with people without mental illness in mind and cannot be sufficiently altered just by adding psychiatric treatment to a pre-existing pre-release or other program. For example, rules and requirements in these facilities need to be mindful of the cognitive deficits that also accompany mental illness so one can distinguish behavior that is a result of this (failing to understand a bus route for example) and criminal behavior.
- Finally, there must be specific requirements for the services provided by these facilities required in statute, including the provision of employment and educational support, case management, individual therapy and other services.